

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 17297 of 2007(H)

PETITIONER:

INDIAN MEDICAL ASSOCIATION, COCHIN BRANCH
REP. BY ITS SECRETARY, IMA BLOOD BANK BUILDING,
BEHIND THE MAHARAJA'S COLLEGE, T.D.ROAD, KOCHI-11.

BY ADV. SRI.P.R.RAMACHANDRA MENON

RESPONDENTS:

1. STATE OF KERALA,
REP. BY THE SECRETARY TO THE LOCAL SELF GOVT.(M)
DEPARTMENT, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.
2. THE CHIEF TOWN PLANNER,
GOVT.OF KERALA, THIRUVANANTHAPURAM.
3. THE REGIONAL TOWN PLANNER,
REGIONAL TOWN PLANNING OFFICE, ERNAKULAM.
4. CORPORATION OF KOCHI,
REP. BY ITS SECRETARY, KOCHI-11.
5. THE TOWN PLANNING OFFICER,
CORPORATION OF KOCHI, PARK AVENUE,
BOAT JETTY, KOCHI-11.

R1 TO R3 BY GOVERNMENT PLEADER
SRI.K.J.MOHAMMED ANZAR

R4 & R5 BY ADV.SRI.S.RAMESH BABU - STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 06/06/2007, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

W.P.(C) No.17297 of 2007 H

Dated this the 6th day of June, 2007.

JUDGMENT

The prayer in the writ petition is as follows:

“Issue a writ of mandamus or such other appropriate writ or order directing the 4th and 5th respondents to consider the Exts.P2/P2(a) Application dated 23.08.06 for sanction to construct the Building - in tune with KMBR 1999 - with regard to the F.A.R., on the basis of the Ext.P10 judgment and to finalize the same and grant the sanction forthwith.”

2. I heard learned counsel for the petitioner, learned counsel for the Corporation and the learned Government Pleader.

3. According to the petitioner, the matter is covered by Ext.P10 judgment. The question relates to the F.A.R. According to the petitioner, the petitioner is entitled to the benefit of Ext.P10 judgment. The petitioner has submitted the application on 23.8.2006, he submits.

4. Learned counsel for the Corporation submits that if the petitioner has submitted the application before the cut off date, the petitioner's case will be considered appropriately.

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In the light of the stand taken by the Corporation, the writ petition is disposed of as follows: The 4th respondent will consider the case of the petitioner in the light of the dictum established in Ext.P10 judgment and pass appropriate orders in accordance with law within **five weeks** from the date of receipt of a copy of this judgment.

Sd/-
(K.M.JOSEPH)
JUDGE

sk/

//true copy//

P.S. To Judge